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FILED

JAN 30 2002

NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

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SUPERIOR COURT OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION:  
OR REVOCATION OF THE LICENSE OF:

MERRILL MICHAEL MOORE, D.C.	:	Administrative Action
LICENSE NO.: MC-02347	:	CONSENT ORDER OF VOLUNTARY
	:	PERMANENT SURRENDER OF
TO PRACTICE CHIROPRACTIC IN	:	LICENSURE TO BE DEEMED A REVOCATION
THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board") upon notification from the Camden County Prosecutor of the filing of Indictment No. 7561-10-95, State of New Jersey v. M. Michael Moore and Anita Karbett, Superior Court of New Jersey, Law Division, Camden County alleging, inter alia, between April 1990 and September 1994, criminal violations of theft by deception in violation of N.J.S.A. 2C:20-4 and falsifying of records, in violation of N.J.S.A. 2C:2-6 by Merrill Michael Moore ("Respondent").

On September 23, 1999 Respondent entered into a Stipulated Judgment before the Hon. Frank M. Lario, J.S.C. which included Respondent's entry into a two year pretrial intervention program,

restitution in the amount of \$46,000 to various insurance companies, and a fine of \$14,000.

The Enforcement Bureau of the Division of Consumer Affairs obtained trial testimony and patient records from the Camden County Prosecutor's office. The Bureau prepared a Report of Investigation which confirmed overbilling of insurance companies by Dr. Moore's practice.

On September 13, 2001, Respondent appeared with counsel and testified before a Committee of the Board. Dr. Moore testified that he had been practicing chiropractic in New Jersey since 1983. In addition to his chiropractic practice, Chiropractic Care Center, he is the sole proprietor of Haddon X-Ray and Advanced Thermography and co-owner of Collingswood Diagnostic, Inc. He testified that he had paid runners to bring clients to his practice. He testified that he had referred patients from his practice to one of his associated business entities without adequately notifying those patients of his ownership interest.

During the course of his testimony, Dr. Moore admitted that he had run his practice in absentia, delegating operations of his practice to his office manager, Anita Karbett, whose actions he approved ratified and/or condoned. He admitted that he failed to supervise this unlicensed individual who was completing patient records, including intake evaluations, treatment cards, progress notes and final discharge reports. Dr. Moore failed to prepare and maintain a contemporaneous permanent patient record for each

patient, and when asked to review several patient records by the Committee, admitted he had not completed these records and that he could not even read them. Dr. Moore admitted that he was out of the office and out of the country traveling for several months during 1990-1992. He initially provided coverage by hiring two licensees, but they were terminated in Fall 1992 by the office manager, leaving the office without professional coverage for several months. Respondent delegated health care coverage and financial recordkeeping to his office manager. The Committee found Respondent's billing did not accord with sign in sheets; that treatment records, bills and claim forms did not accurately reflect the treatment or services rendered; and, that bills were submitted to insurance companies for services goods and appliances that had not been rendered or supplied. Even Respondent's Biennial Renewal Application for licensure for 1991-1993 was completed not by Respondent, but by his office manager.

Based upon Respondent's testimony, his patient treatment records and the Report of Investigation of the Enforcement Bureau, Division of Consumer Affairs, the Board finds multiple violations of N.J.S.A. 45:1-21, (b), (c), (d), (e) and (h), as well as N.J.A.C. 13:44E-2.2, 2.7, 2.8 and 2.13(a)(5).

Respondent being desirous of resolving this matter without further proceedings, and the Board having determined that the within disposition is adequately protective of the public health, safety and welfare,

IT IS on this 30<sup>th</sup> day of January, 2002;

HEREBY ORDERED AND AGREED THAT:

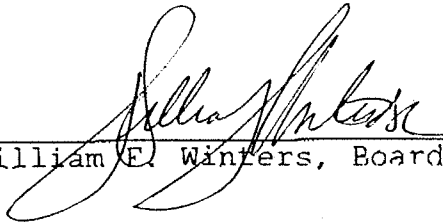
1. Respondent Merrill Michael Moore is hereby granted leave and shall permanently surrender his license to practice chiropractic in the State of New Jersey with prejudice to any reapplication. Said surrender shall be deemed a permanent revocation of license.

2. Respondent understands and agrees that he is to permanently cease and desist from any practice of chiropractic upon the date of this Order and agrees to surrender any remaining licenses permitting him to do so now or at any time in the future. He shall observe the provisions for a chiropractor whose license to practice has been revoked, a copy of which is attached hereto and made a part hereof. Accordingly, Respondent shall return his original New Jersey Chiropractic Work License, current certificate of registration and wall certificates to the New Jersey Board of Chiropractic Examiners at 124 Halsey Street, Sixth Floor, Newark, Newark, New Jersey 07102, within one week of the date of this order.

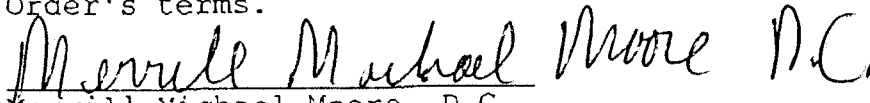
3. Respondent is assessed total civil penalties in the amount of \$25,000 for numerous violations of N.J.S.A. 45:1-21(a), (b), (c), (d), (e) and (h) and N.J.A.C. 13:44E-2.2, 2.7, 2.8 and 2.13(a)(5). The total penalty shall be due in eighteen monthly installments of \$1,388.90 to commence on or about the completion of payment by Respondent of his PTI restitution and fine, but no later

than March 1, 2002. Each monthly payment shall be submitted to the Board by certified check or money order made payable to the State of New Jersey. A certificate of debt will be filed at the time of entry of this Order.

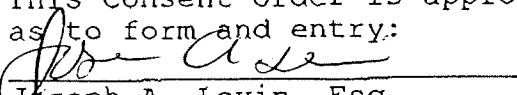
4. Respondent is assessed the costs to the State in this matter in the amount of \$11,305.00. The total costs shall be due and payable in eighteen monthly installments of \$628.00, the last payment being \$629.00, to commence on or about the completion of payment by respondent of his PTI restitution and fine, but no later than March 1, 2002. Each monthly payment shall be submitted to the Board by certified check or money order made payable to the State of New Jersey. A certificate of debt will be filed at the time of entry of this Order.

  
William E. Winters, Board President

I have read the within Consent Order and understand its terms. I hereby consent to its entry and to be bound by the Consent Order's terms.

  
Merrill Michael Moore, D.C.

This Consent Order is approved as to form and entry:

  
Joseph A. Levin, Esq.  
Jacobs & Barbone  
Attorney for Respondent

**DIRECTIVES APPLICABLE TO ANY CHIROPRACTIC BOARD LICENSEE  
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board, shall conduct him/herself as follows:

**1. Document Return and Agency Notification**

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of chiropractic in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories,

professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted.

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). Such divestiture shall occur within 90 days following the disqualification to own shares in the corporation. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Patient Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

### **5. Probation/Monitoring Conditions**

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status

and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.



**NOTICE OF REPORTING PRACTICES OF BOARD**  
**REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Chiropractic Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a chiropractor:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the Federation of Chiropractic Licensing Boards of the United States, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.